

REMARKS

The Examiner's final Office Action of December 27, 2002 has been received and its contents reviewed. Applicants' would like to thank the Examiner for the consideration given to the above-identified application, and for indicating the allowance of claims 2-4, 6, 7, 9, 10, 25-27, 29-31, 38, 39, 41, 42, 49, 50, 52 and 53. Further, the Examiner is thanked for indicating in the telephonic conference on April 28, 2003 that the review of this Preliminary Amendment will be sufficiently delayed until copies of a small number of references to be submitted in an IDS are available and submitted, as per Applicants' request.

By the above actions, claims 14-16, 24, 28, 32, 37, 40, 43, 48, 51 and 54 have been cancelled. Accordingly, claims 1-10, and 17-23, 25-27, 29-31, 33-36, 38-39, 41, 42, 44-47, 49-50, and 52-53 are pending for consideration, of which claims 1-3, 17, 25, 29, 33, 38, 41, 44, 49 and 52 are independent. In view of these actions and the following remarks, reconsideration of this application is now requested.

Before turning to the detailed Office Action, Applicants again would like to request the Examiner to consider the related application Serial No. 09/432,662 submitted in the IDS of November 30, 2001 for the reason as follows:

The Examiner has indicated in the Advisory Action mailed July 16, 2002, for example, that no copy of identified pending allowed claims has been provided in accordance with 37 C.F.R. 1.98, and that SN 09/432,662 will be considered if a patent issues. It is unclear why the Examiner believes that there is any requirement that patent applications disclosed to the U.S. Patent and Trademark Office under applicants' duty of disclosure set forth in 37 C.F.R. 1.56 which are filed in compliance with 37 C.F.R. 1.98 require an indication that there are allowed claims pertinent to this invention set forth in the related applications.

Further, as previously submitted, while such allowed claims may be relevant to the issue of double patenting, there is no such requirement for the Examiner to indicate consideration of the subject matter set forth in the related applications. Accordingly, in that the U.S. Patent and Trademark Office has placed this burden on the applicant, it is only fitting that the Examiner indicate his consideration of the related applications submitted in accordance therewith. Such



applications include U.S. Application Serial Nos. 09/432,662; 09/580,485 and 09/587,369 as identified in applicants' Form PTO-1449 filed November 30, 2001.

Should the Examiner maintain his position in this regard, he is again hereby requested to provide support for such position by pointing out the specific text of 37 C.F.R 1.98 requiring an indication that there are allowed claims pertinent to this invention set forth in the related applications .

Referring now to the detailed Office Action, claims 14-16, 24, 28, 32, 37, 40, 43, 48, 51 and 54 are rejected under 35 U.S.C. §112, first, second and fourth paragraphs. In response, and in order to expedite the prosecution of this application, Applicants have canceled claims 14-16, 24, 28, 32, 37, 40, 43, 48, 51 and 54 as shown above, without prejudice to file a divisional application directed thereto. Accordingly, Applicants respectfully request reconsideration and withdrawal of the §112, first, second and fourth paragraphs, rejections.

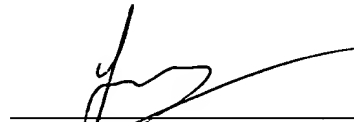
Claims 1, 5, 17, 20, 23, 33, 36, 44 and 47 stand rejected under 35 U.S.C. §102(b) as unpatentable over Yamada. Further, claims 14, 24, 37 and 48 stand rejected 35 U.S.C. §103(a) as unpatentable over Yamada and Tang et al. (U.S. Patent No. 5,684,365 of record – hereafter Tang), and claims 8, 18, 19, 21, 22, 34, 35, 45 and 45 stand objected to as dependent upon rejected claims but would be allowable if these claims are rewritten as independent claims including all limitations of a base claim and any intervening claims.

In response to the rejections, Applicants have submitted on December 31, 2002 a verified English translation of priority document Japanese Patent Application Serial No. 11-158787, which was filed on June 4, 1999 prior to effective U.S. filing date of the Yamada reference, which is November 30, 1999. Therefore, Applicants have perfected the claimed priority date, and the Yamada reference does not qualify as prior art.

In view of the amendments and arguments set forth above, Applicants respectfully request reconsideration and withdrawal of the pending §102(b) over Yamada and the pending §103(a) rejection over Yamada in view of Tang, as well as the objection to claims 8, 18, 19, 21, 22, 34, 35, 45 and 45.

While the present application is now believed to be in condition for allowance, should the Examiner find some issue to remain unresolved, or should any new issues arise which could be eliminated through discussion with Applicants' representative, then the Examiner is invited to contact the undersigned by telephone in order that the further prosecution of this application can thereby be expedited.

Respectfully submitted,



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